

Response

In response to the requirement for the election of species, Applicant hereby provisionally elects the method of claim 26 as the elected species. Applicant's election of species is made herein without prejudice to prosecute any other species of the present application as deemed necessary. In light of the species elected herein by the Applicant, the claims readable thereon are claims 23 and 26.

It is respectfully submitted that because the methods of claims 24, 25 and 26 are classified in the same class and subclass, there would be no additional effort required in effecting a search for each of the claims. Specifically, the elected claim, claim 26, requires the steps of "mixing the egg whites and egg yolks with water to produce a suspension; removing cells and cell debris from said suspension to produce a fluid containing at least some of said transfer factor; and recovering said fluid." Claim 24 requires the same steps performed on only the egg yolks and claim 25 requires the same steps performed on only the egg whites. Thus, by searching for the method of claim 26, no additional effort would be required to search for the methods of claims 24 and 25. Because searching the methods of claims 24, 25 and 26 would not create a significant burden on the patent office, Applicant respectfully requests that all three claims be examined simultaneously.

In the alternative, if the initial search and examination is carried out on only the method of claim 26, Applicant hereby requests that upon a finding of allowability of the subject matter described in claim 26, the Office proceeds with the search and examination of all nonelected species.

In summary, in view of the foregoing election of species, we respectfully submit that all of the pending claims are patentably distinct over the references cited by the Examiner and meet all other statutory requirements. We believe that the present Application is now in complete condition for allowance and, therefore, respectfully request the Examiner to allow this Application. We invite the Examiner to telephone the undersigned should any issues remain after the consideration of this response. Please charge any additional fees that may be required to Deposit Account No. 50-2548.

Respectfully requested,

NELSON MULLINS RILEY & SCARBOROUGH

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Date

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